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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,118	02/20/2002	Douglas D. Anderson	6204	6805
7590 12/14/2004			EXAMINER	
Allen H. Erickson 26 Hatfield Avenue Sidney, NY 13838			PATEL, TAJASH D	
			ART UNIT	PAPER NUMBER
			3765	
DATE MAILED: 12/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,118

Applicant(s)

ANDERSON ET AL.

Examiner

Tejash D Patel

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/27/04 (Election).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 5, 6, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Christman et al. (US 6,076,189). Christman et al (hereinafter Christman) discloses a multi-mode hand covering including an elongate tubular portion (3) having an inner space with a hand insertion end defining a wrist opening of a glove/pocket and a forward terminal end (4) having an opening therethrough as shown in figure 8. Further, a palm side of the tube corresponds to the palm of the hand and a back side of the tube corresponds to a back side of the hand with a thumb enclosure (7) extending outwardly from the palm side and communicating with the inner space as shown in figure 7. Furthermore, a pocket/glove (6) extends generally from the terminal end to a pocket opening generally spanning the palm side being proximate to the thumb enclosure, col. 3, lines 23-65 and as shown in figure 7. In addition, the pocket is operable by being inverted

between a palm position wherein the terminal end opening is open to the atmosphere therethrough and a back position which covers the terminal end opening by fully covering the hand, col. 4, lines 36-65 and as shown in figures 7 and 8. Also, the thumb enclosure is foldable within the pocket when not in use that has a thumb hole (7a) through the hand covering at an intermediate location as shown in figure 8. The hand insertion includes an arm of an upper body garment, col. 3, lines 13-14.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christman. Christman discloses the invention as set forth above except for showing the palm and back sides of the pocket being configured as a glove.

With regard to claims 8-9, it would have been obvious to one skilled in the art to form the palm and back sides of the pocket of Christman as a conventional glove as required for a particular application thereof.

With regard to claims 10-11, it would have been obvious that the hand covering of Christman can be made of any desired material that was available at the time the device was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christman in view of Reich (US 5,794,265). Christman discloses the invention as set forth above except for showing the thumb enclosure holding the thumb without the pocket being inverted.

Reich discloses a multi-mode hand covering including a thumb enclosure that holds the thumb without a pocket (14) being inverted as shown in figure 5.

It would have been obvious to one skilled in the art at the time the invention was made to form the thumb enclosure of Christman with the thumb being held without the pocket being inverted as taught by Reich, in order to protect the thumb or depending on the end use thereof.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christman as applied to claim 6 above, and further in view of Carpenter (US 5,711,032). Christman discloses the invention as set forth above except for showing the wrist opening having folded panel ends with a cinch cord being positioned therewithin.

Carpenter discloses a hand covering having a wrist opening having folded panel ends (56) with an adjustable cinch cord (64) being positioned therewithin, as shown in figure 1.

It would have been obvious to one skilled in the art at the time the invention was made to provide the wrist opening of Christman with folded panel ends with a cinch cord being positioned therewithin as taught by Carpenter, so that the wrist opening is adjustably closeable.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The fax phone number for this group is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

December 6, 2004

A handwritten signature in black ink, appearing to read 'Tejash Patel', with a long horizontal line extending from the end of the signature.

**TEJASH PATEL
PRIMARY EXAMINER**